United Nations A/HRC/31/NGO/96

General Assembly

Distr.: General
19 February 2016

English only

Human Rights Council
Thirty-first session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the American Association of Jurists, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Please recycle

Panel discussion on "Climate change and the right to health"

It is now well established that climate change has negative effects on human rights, especially the right to life, the right to food and the right to health.[1]. Many studies demonstrate the scale and nature of the effects on the world population and on the full enjoyment of human rights[2]. The right to health is one of the most important rights that is going to be, directly or indirectly, affected by the effects of the climate disruptions caused by climate change. Those facts have been largely recognized in many Human Rights Council (HRC) resolutions on human rights and climate change.

The right to health

The human right to health is legally recognized in many international human rights treaties[3], regional human rights conventions[4] and most of national legislations; it is comprehensively enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR) at its Article 12.1. The right to health is also further interpreted in General comment n°14 of the Committee on Economic Social and Cultural Rights (CESCR).

As interpreted by the CESCR, the right to health is "an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information, including on sexual and reproductive health". Furthermore, providing access to medicines is instrumental in achieving the full realization of the right to health. As a result, the right to health has many implications and is closely related to other human rights: highlighting the universality, indivisibility, interdependence and interrelation of all human rights, as stated by the Vienna Declaration and Programme of Action (1993).

The relationships between climate change and the right to health

A. The effects of climate change on human rights and on the States' ability to fulfil, protect and respect the right to health

Some expected direct effects of climate change, such as the land degradation, desertification, salinization of water sources in coastal areas due to the rise of the sea levels and the rise of temperatures, will induce shortages of drinking water and the loss of biodiversity, increase the exposure to ultraviolet radiation and the frequency of extreme weather events, like floods, heat waves, landslides and storms.

In another way, such consequences would also involve negative effects facilitated by the changes within the ecosystem. Climate change would probably be one of the most important causes of the spread of diseases, as some of the largest disease burdens are climate sensitive. Furthermore, the above-mentioned effects of climate change will reduce the yields of food, affect the food security and therefore the resilience of the food systems: this will lead to malnutrition and famine. The loss of biodiversity due to the disruptions of climate change will induce the depletion of natural medicines,

---

[1] OHCHR, *Report of the Office of the United Nations High Commissioner for Human Rights on the relationship between climate change and human rights*, Annual report of the United Nations Office of the High Commissioner for human rights on the relationship between climate change and human rights, A/HRC/10/61, January 2009.

[2] See among other : IPCC, *Climate Change 2014, Synthesis Report. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change* [Core Writing Team, R.K. Pachauri and L.A. Meyer (eds.)], Geneva, Switzerland, 2014, 151 pp.

[3] International Convention on the Elimination of All Forms of Racial Discrimination (1965) (ICERD), Article V (e)(iv); International Convention on the Elimination of Forms of Discriminations against Women (1979) (CEDAW), Article 11 (f) and 12 ; Convention on the Rights of the Child (1989) (CRC), Article 24

[4] European Social Charter of 1961 as revised (Article 11), the African Charter on Human and Peoples' Rights of 1981 (Article16) and the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights of 1988 (Article 10).

affecting the communities of indigenous peoples depending on such cures. The effects of climate change will also imply mental stress and therefore affect mental health.

Finally, it is fundamental to alert on the indirect consequences that climate change will have on health, as climate change will produce more armed conflicts, displacement of population and massive migrations.

All those consequences will affect the ability of States to fulfil, protect and respect the right to health. In order to effectively face the consequences of climate change, States must make serious commitments within the framework of the 2015 Paris Agreement and adopt policies in line with protecting the right to health.

B. Some measures taken by States or by non-state actors impact the right to health and increase the effects of climate change

Scientific evidence show that, if climate change is a natural process, this phenomenon is accelerated by human activities, especially activities that are high emitters of greenhouse gas emissions and a system based on fossil energy and overconsumption.. Industrial activities are both triggers of climate change and a cause of non-communicable diseases, such as respiratory problems or obesity. The fact is that there is an urgent need to change the priorities and thinking in order to develop a new paradigm, in which corporate profit is not the rule. Human being should be at the centre of a system where biomedical R&D is needs-driven oriented and where policies are adopted for the well-being of humans. Those assertions seem to be self-evident: but they are not in practice. Today, it is fundamental to rethink the predominant model of development in order to address the adverse effects of climate change and take into account the effective health needs of the population.

It is also essential to ensure that the policies of non-state actors and private companies are based on human rights principles and are sustainable for the environment. The current process within the framework of the Human Rights Council on the negotiation of an internationally binding instrument on transnational corporations would be a great opportunity to reach this goal. Such initiative must be seen as complementary in relation to other kind of efforts, such as mitigating and adapting policies.

C. Some policies undertaken by States to mitigate or to adapt to the effects of climate change can affect the right to health

The fact that some policies undertaken by States to mitigate or to adapt to the effects of climate change can affect human rights is now well established. The development of biogas or biofuel is only one example of such policies that have a great impact on the full enjoyment of human rights. The former Special Rapporteur on the right to food, Olivier de Schutter, often denounced such method. Designed to find an alternative to fossil fuel, this method has finally revealed its insidious consequences: land grabbing, reduction of food production, deforestation and therefore limited positive outcomes on the way to mitigate the effects of climate change. Such measures have adverse consequences on the right to food, and therefore, also affect the right to health, generating malnourishment, displacement of populations that have to move to other less fertile places. Another effect is the reduction of water sources. The use of synthetic fertilizers combined with GMO induces pollution of the soil and affect health of the workers and of the consumers. This kind of measure shows to what extent it is difficult to design innovative and effective measures within the current paradigm.

Recommendations

States should:

- provide technology transfer and strengthen international cooperation in order to strengthen resilience of national health systems;
- design sustainable policies in accordance with health needs and human rights principles;
- work towards the universal health coverage (UHC);
- work towards new models of development, which are respectful of the environment and not based on overconsumption, fossil fuel and infinite economic growth;
- enhance medical innovations and work towards a new model of R&D system based on effective health needs and not on corporate profit; for example, by negotiating an internationally binding biomedical R&D treaty within the framework of WHO.

The Human Rights Council should:

- enhance cooperation with WHO and other relevant organizations, in order to design health policies in accordance with HR standards;
- work in cooperation with WHO in order to ensure that the current process of the WHO reform and, more particularly, the reform of International Health Regulations (2005) has a human rights-based approach and takes into due account the effects that climate change will have on national health systems and on international peace and security.